

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SIMPLEAIR, INC.

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Plaintiff,

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Case No. 2:11-cv-00416-DF-CMC

vs.

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MICROSOFT CORPORATION, MOTOROLA
MOBILITY, INC., NOKIA CORPORATION,
NOKIA INC., SAMSUNG ELECTRONICS
CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC,
SONY ERICSSON MOBILE
COMMUNICATIONS AB, SONY ERICSSON
MOBILE COMMUNICATIONS (USA), INC.,
ERICSSON INC., FUTUREWEI
TECHNOLOGIES, INC. (D/B/A/
HUAWEI TECHNOLOGIES (USA),
HUAWEI TECHNOLOGIES CO., LTD.,
HTC CORPORATION, and LG ELECTRONICS
MOBILECOMM U.S.A., INC.,

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JURY TRIAL DEMANDED

**DEFENDANT HUAWEI TECHNOLOGIES CO., LTD. MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM OR IN THE ALTERNATIVE
FOR A MORE DEFINITE STATEMENT**

Defendant Huawei Technologies Co., LTD. (“Huawei”) by and through its undersigned counsel, moves the Court to dismiss Simpleair, Inc.’s (“SimpleAir”) infringement allegations under Rule 12(b)(6). In the alternative, Huawei moves the Court for a more definitive statement under Rule 12(e) as to any allegation that the Court does not dismiss.

Rather than burden the Court with duplicative briefing, Huawei joins Defendant Microsoft’s Motion to Dismiss or in the Alternative for a More Definite Statement (Dkt. No. 53). SimpleAir’s infringement allegations against all defendants are identical. (Dkt. No. 1 at 4-5).

For the same reasons presented in Microsoft's motion, Huawei asks the Court to dismiss SimpleAir's infringement allegations or, in the alternative, for a more definite statement of any allegations not dismissed.

Dated: February 13, 2012

Respectfully submitted,

/s/ Scott F. Partridge
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**ATTORNEYS FOR DEFENDANT HUAWEI
TECHNOLOGIES CO., LTD.**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 13th day of February 2012 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Bradley Bowling
Bradley Bowling